

Assembly Bill No. 954

CHAPTER 498

An act to amend Section 66632.4 of the Government Code, relating to public resources.

[Approved by Governor September 17, 2000. Filed
with Secretary of State September 19, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 954, Aroner. Public resources.

Existing law sets forth a comprehensive plan for the conservation of the water of the San Francisco Bay and the development of its shoreline. Other existing law, the Suisun Marsh Preservation Act of 1977, sets forth a comprehensive plan for the preservation and protection of the Suisun Marsh. Existing law delegates authority for implementing these plans to the San Francisco Bay Conservation and Development Commission.

Existing law requires any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in the use of any water, land, or structure within the shoreline and body of the bay to, among other things, secure a permit from the commission. Under existing law, the commission may deny an application for a permit for a proposed project within the shoreline band only on the ground that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline.

This bill would provide that the foregoing limitation on the commission's powers only applies to a portion or portions of the shoreline band that are located outside the boundaries of water-oriented priority land uses, as established pursuant to specified provisions of existing law.

This bill would also provide that when considering whether a project provides maximum feasible public access in areas of sensitive habitat, the commission shall, after consultation with the Department of Fish and Game, and using the best available scientific evidence, determine whether the access is compatible with wildlife protection in the bay.

The people of the State of California do enact as follows:

SECTION 1. Section 66632.4 of the Government Code is amended to read:

66632.4. Within any portion or portions of the shoreline band that are located outside the boundaries of water-oriented priority land

uses, as fixed and established pursuant to Section 66611, the commission may deny an application for a permit for a proposed project only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline. When considering whether a project provides maximum feasible public access in areas of sensitive habitat, including tidal marshlands and mudflats, the commission shall, after consultation with the Department of Fish and Game, and using the best available scientific evidence, determine whether the access is compatible with wildlife protection in the bay.

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